



IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE

Serial No. : 10/590,342
Applicants : Keiji HASUMI et al.
Filed : August 24, 2006
For : ANTICANCER AGENT CONTAINING
BL-ANGIOSTATIN
Art Unit : 1642
Docket No. : 06506/HG
Confirm. No.: 7064
Customer No.: 01933

**RESPONSE TO NOTICE TO COMPLY WITH REQUIRE-
MENTS FOR PATENT APPLICATIONS CONTAINING
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES - FILING DATE GRANTED**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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S I R :

The NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES - Filing Date Granted (a copy of which is enclosed) alleged that the above-identified application did not comply with the sequence rules 37 CFR 1.821-1.825 because a Sequence Listing was not submitted. The aforesaid NOTICE required compliance within two months from September 26, 2008, the mailing date of said NOTICE.

CERTIFICATE OF MAILING

I hereby certify this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to:

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Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450
on the date noted below.

Richard S. Barth
Attorney: Richard S. Barth

Dated: October 15, 2008

In the event that this Paper is late filed, and the necessary petition for extension of time is not filed concurrently herewith, please consider this as a Petition for the requisite extension of time, and to the extent not tendered by the attached Form PTO-2038, authorization to charge the extension fee, or any other fee required in connection with this Paper, to Account No. 06-1378.

For the following reason, it is respectfully submitted that a Sequence Listing is not required for the above-identified application.

37 CFR 1.821(a) provides as follows:


"§1.821 Nucleotide and/or amino acid sequence disclosures in patent applications.
(a) Nucleotide and/or amino acid sequences as used in §§1.821 through 1.825 are interpreted to mean **an unbranched sequence of four or more amino acids** or an unbranched sequence of ten or more nucleotides. Branched sequences are specifically excluded from this definition. **Sequences with fewer than four specifically defined nucleotides or amino acids are specifically excluded from this section.**" (emphasis supplied)

As seen from the above-quoted section of 37 CFR 1.821(a), a Sequence Listing is not required for sequences with fewer than four amino acids. The above-identified application refers to peptides or protein fragments only in the context of a beginning amino acid and an ending amino acid, for example Met¹-Gly¹⁹. Thus, peptides and protein fragments are defined in the above-identified application by only **two amino acids**.

In view of the above, it is respectfully submitted that a Sequence Listing is not required by 37 CFR 1.821-1.825. Accordingly, withdrawal of the requirement in said NOTICE is respectfully requested.

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Respectfully submitted,



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Enc.: copy of USPTO NOTICE dated September 26, 2008

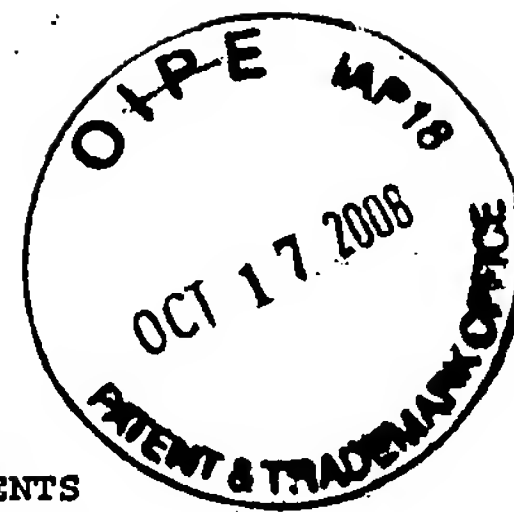


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FILING DATE GRANTED; copy of USPTO NOTICE dated
September 26, 2008.

FIRST-CLASS MAIL: October 15, 2008
DUE: November 26, 2008

RSB/ddf





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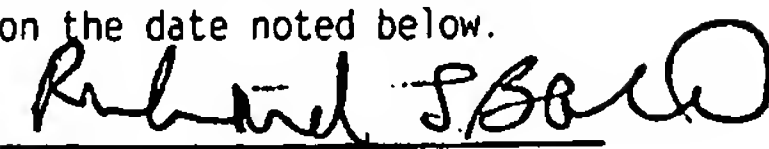
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IFW